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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,320	06/21/2005	Karl Kerzog	02894-717US1 / 06732	1312
26161	7590	10/31/2007		
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER ANGLO, LHEIREN MAE ACOSTA	
			ART UNIT 2832	PAPER NUMBER
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/540,320	<b>Applicant(s)</b> KERZOG ET AL.	
	<b>Examiner</b> Lheiren Mae A. Anglo	<b>Art Unit</b> 2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9,13-16,18-20,22,23,28 and 29 is/are rejected.
- 7) ☒ Claim(s) 3,10-12,17,21 and 24-27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/21/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2,4-8,13-16,18-20,28 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Katsumi [US 6,369,341].

In regard to claim 1, Katsumi teaches in [Figs. 4 and 6-8] an electrical appliance housing, comprising: a hard plastic housing body [1] defining a mechanism-activation aperture [1b]; a soft plastic membrane [21,22,25] configured to seal the aperture; a hard plastic base [23] bonded to the membrane; and an actuating button [20] associated with the membrane wherein the actuating button is fastened to the hard plastic base.

In regard to claim 2, Katsumi teaches in [Fig. 8] that at least one elastic bar [23b] secures the base to the housing body.

In regard to claim 4, Katsumi teaches in [Fig. 6 and col. 6, lines 44-46] that the membrane defines a recess, at least on outer side of the base penetrating the membrane through the recess.

In regard to claim 5, Katsumi teaches in [Fig. 6] that at least one elastic bar [25b] lies on an inner side of the membrane.

In regard to claim 6, Katsumi teaches in [Fig. 6] that the actuating button protrudes beyond the membrane towards an outer side of the electrical appliance housing.

In regard to claim 7, Katsumi teaches in [Fig. 6] that the actuating button and the base are joined together.

In regard to claim 8, Katsumi teaches in [Figs. 6 and 7] that the base defines a blind-end bore [23a] configured to receive a neck [20a] of the actuating button.

In regard to claim 13, Katsumi teaches in [Fig. 8] that the base comprises a radial projection [23b] extending toward its inner side portion.

In regard to claim 14, Katsumi teaches in [Fig. 6] that the housing body is bonded to the membrane.

In regard to claim 15, Katsumi teaches in [Fig. 6] that at least one protruding membrane support member [25b] is fastened to the base.

In regard to claim 16, Katsumi teaches in [Fig. 8] that the at least one elastic bar [23b] is shaped in an arcuate or undulating configuration.

In regard to claim 18, Katsumi teaches in [Fig. 6] that the actuating button is positioned on the membrane.

In regard to claim 19, Katsumi teaches in [Fig. 7] that the actuating button is positioned in the membrane.

In regard to claim 20, Katsumi teaches in [Fig. 10] that at least one elastic bar [see attached figure] is integrally molded with the housing body.

In regard to claim 28, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

In regard to claim 29, Katsumi teaches in [Figs. 4 and 6-8] an electrical appliance housing, comprising: a housing body [1] defining a switch-activation aperture [1b]; a rigid base [23] positioned within the switch-activation aperture; a flexible membrane [21,22,25] extending across the aperture and cooperating with the housing body and the base to seal the aperture in a substantially liquid-tight manner, with the base exposed on an inner side of the membrane; and a manually manipulable actuating button [20] secured to the base and exposed on an outer side of the membrane, such that manual manipulation of the button resiliently flexes the membrane and moves the base.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katsumi [US 6,369,341] in view of Davies et al. [Davies hereinafter, US 6,779,216]. Katsumi teaches in [Fig. 2] that the actuating button is integrally molded onto the base. Katsumi

also teaches in [col. 4, line 48] that the button is made from plastic but does not teach that the base is made from plastic (no material homogeneity). Davies teaches in [Figs. 1a and 1b and col. 3, lines 2+] that the base [1b] is made from plastic. It would have been obvious to one of ordinary skill in the art at the time of the invention to also provide a plastic base for easier manufacturing.

Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsumi [US 6,369,341] in view of Buchan et al. [Buchan hereinafter, US 6,064,019].

In regard to claim 22, Katsumi teaches in [Fig. 7] a neck [20a]. Katsumi does not teach that the neck comprises at least one radial rib. Buchan teaches in [Fig. 2] that the neck [34] comprises at least one radial rib [22]. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a radial rib for secure attachment of the button to the housing.

In regard to claim 23, Katsumi teaches in [Fig. 7] a neck [20a]. Katsumi does not teach that the neck comprises at least one radial bead. Buchan teaches in [Fig. 2] that the neck [34] comprises at least one radial bead [22]. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a radial rib for secure attachment of the button to the housing.

***Allowable Subject Matter***

Claims 3,10-12,17,21 and 24-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In regard to claim 3, the references do not teach that the base is free of through-holes.

In regard to claim 10, the references do not teach that the membrane comprises an edge section that encloses the base and projects beyond the base towards an outer side of the electrical appliance housing. Claims 11, 12 and 24-26 are either directly or indirectly dependent on claim 10.

In regard to claim 17, the references do not teach that the base is free from penetration by the actuating button.

In regard to claim 21, the references do not teach that the at least one protruding membrane support member is fastened to the at least one elastic bar.

In regard to claim 27, the references do not teach that the radial projection comprises a circumferential shoulder.

***Response to Arguments***

Applicant's arguments, filed 08/09/07, with respect to the objections to the drawings and claim 21 have been fully considered and are persuasive. The objections have been withdrawn.

Applicant's arguments filed 08/09/07, with respect to the claim rejections have been fully considered but they are not persuasive. In regard to claim 1, Merriam-Webster's Eleventh Edition Collegiate Dictionary defines bonding as "to cause to adhere firmly" and fastening as "to fix firmly or securely." It is clear that Katsumi teaches in [Figs. 4 and 6-8] that a hard plastic base is bonded to the membrane and an actuation button is fastened to the hard plastic base.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lheiren Mae A. Anglo whose telephone number is (571) 272-2730. The examiner can normally be reached on Monday to Friday 8:00 am to 4:00 pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lheiren Mae A. Anglo  
Examiner  
AU 2832

  
Lma

  
ELVIN ENAD  
SUPERVISORY PATENT EXAMINER  
11/29/17